

Patricia L. Peden (SBN 206440)
E-mail: ppeden@bwsllaw.com
Ghazaleh Modarresi (SBN 259662)
E-mail: gmodarresi@bwsllaw.com
BURKE, WILLIAMS & SORESENSEN, LLP
1999 Harrison Street, Suite 1650
Oakland, California 94612-3520
Tel: 510.273.8780 Fax: 510.839.9104

Attorneys for Light Field Lab

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

Light Field Lab,
Plaintiff,
v.
Alan Jones,
Defendant.

Case No. 4:23-cv-05344-YGR

**LIGHT FIELD LAB'S OBJECTIONS TO
DEFENDANT JONES'S REQUEST FOR
JUDICIAL NOTICE IN SUPPORT OF
SPECIAL MOTION TO STRIKE
PLAINTIFF'S COMPLAINT PURSUANT
TO CALIFORNIA'S ANTI-SLAPP
STATUTE AND MOTION TO DISMISS
PLAINTIFF'S COMPLAINT
FOR LACK OF SUBJECT MATTER
JURISDICTION**

Filed concurrently with:

*LIGHT FIELD LAB'S OPPOSITION TO
DEFENDANT ALAN JONES'S SPECIAL
MOTION TO STRIKE PLAINTIFF'S
COMPLAINT PURSUANT TO
CALIFORNIA'S ANTI-SLAPP STATUTE*

*DECLARATION OF PATRICIA L. PEDEN IN
SUPPORT OF LIGHT FIELD LAB'S
OPPOSITION TO ALAN JONES'S SPECIAL
MOTION TO STRIKE PLAINTIFF'S
COMPLAINT PURSUANT TO
CALIFORNIA'S ANTI-SLAPP STATUTE*

Judge: Hon. Yvonne Gonzalez Rogers
Date: February 13, 2024
Time: 2:00 p.m.
Crtrm.: Courtroom 1 – 4th Floor

1 **Light Field Lab’s Objections to Defendant Jones’s Request for Judicial Notice**

2 Plaintiff, Light Field Lab, hereby objects to two exhibits included in Defendant, Alan
3 Jones’s, Request for Judicial Notice (RJN”). *See* Dkt. No. 33. Plaintiff’s objections and the
4 grounds therefore are as follows:

5 **Exhibit B** to the RJN is private correspondence. There are not judicial notice grounds for
6 admitting the document. *See Quantum Labs, Inc. v. Maxim Integrated Prod. Inc.*, No. 18-CV-
7 07598-BLF, 2019 WL 1767574, at *3 (N.D. Cal. Apr. 22, 2019) (“Defendants’ request for judicial
8 notice of (3) the email disseminating the “Official Notice of Inspection” is DENIED because
9 Defendants have failed to show this email constitutes a “matter[] of public record,” rather than a
10 private correspondence.”).

11 Light Field Lab also objects that the document has been redacted, without filing the
12 required motion, showing the required good cause, and where the document does not merit
13 sealing. *See* Civil L.R.79-5.

14 **Exhibit C** is private email correspondence, not subject to judicial notice. *Quantum Labs*,
15 2019 WL 1767574, at *3. Additionally, the document clearly states the emails are
16 “communications subject to settlement privilege.” *See* Exhibit C at 000024 and 000044; *Civic*
17 *Ctr. Drive Apartments Ltd. P’ship v. Sw. Bell Video Servs.*, 295 F. Supp. 2d 1091, 1099 fn. 3
18 (N.D. Cal. 2003) (“the Rigney Declaration is inadmissible under Rule 408(2) because it explicitly
19 references the parties’ efforts to settle this action and is designated “For Settlement Purposes
20 Only.”).

21 Light Field Lab also objects to the redactions. No motion to seal was filed, and the
22 document cannot be withheld from public access without a showing of good cause and the
23 issuance of a Court order. *See* Civil L.R.79-5.

24 **Exhibit D** is irrelevant. The document is not relevant to the pleaded contract claim.
25 *Franklin*, 2017 WL 24862, at *6.

26 **Exhibit E** and **Exhibit F** are mere private correspondence, not subject to judicial notice.
27 *See Quantum Labs*, 2019 WL 1767574, at *3.

1 **Exhibit H** is irrelevant. The document is not relevant to the claim pleaded in the
2 complaint, and, instead, it is directed to the un-pleaded employment argument. *See Franklin*, 2017
3 WL 24862, at *6.

4
5 Dated: January 19, 2024

BURKE, WILLIAMS & SORESENSEN, LLP

6
7 By:



8 Patricia L. Peden
9 Ghazaleh Modarresi
10 Attorneys for Light Field Lab
11
12

13 **CERTIFICATE OF SERVICE**

14 This is to certify that on the 19th day of January 2024, I electronically filed the foregoing
15 LIGHT FIELD LAB'S OBJECTIONS TO DEFENDANT JONES'S REQUEST FOR JUDICIAL
16 NOTICE IN SUPPORT OF SPECIAL MOTION TO STRIKE PLAINTIFF'S COMPLAINT
PURSUANT TO CALIFORNIA'S ANTI-SLAPP STATUTE using the Court's CM/ECF filing
system which sends notification of such filing to all parties and/or counsel of record.

17 FRANK S. MOORE, SBN 158029
18 Law Offices of Frank S. Moore, APC
235 Montgomery Street, Suite 440
19 San Francisco, California 94104
Telephone: (415) 292-6091
20 Facsimile: (415) 292-6694
21 fsmoore@pacbell.net

22 Attorney for Defendant Alan Jones

23
24 Dated: January 19, 2024

BURKE, WILLIAMS & SORESENSEN, LLP

25
26 By:



27 Patricia L. Peden
28 Ghazaleh Modarresi
Attorneys for Light Field Lab